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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/536,924

05/31/2005

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EXAMINER

CHANG, RICK KILTAE

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

09/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------------|--|
| Office Action Summary | Application No. 10/536,924 | Applicant(s) BUCHHAUSER ET AL. | |
| | Examiner Rick K. Chang | Art Unit 3726 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/09 has been entered.

Drawings

2. The drawings were received on 5/20/09. These drawings are disapproved since present new matters.

Response to Amendment

3. The amendment filed 5/20/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the matters drawn to Figs. 4-5.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 4, lines 8-9: lines 1-2 and 8-9 both recite “producing or forming a high-pressure fuel . . .” Is the applicant producing “a high-pressure fuel accumulator” twice?

Claims are ambiguous and competitors would be unable to discern the bounds of the invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Bruyn et al (US 4,899,712) in view of Vennemeyer et al (US 6,705,083) and Keathley et al (US 3,795,970).

Re claim 4: Bruyn discloses forming a high-pressure fuel accumulator for a fuel injection system of an internal combustion engine (title and abstract) by forming a tubular base body together with at least one fuel supply port for a fuel supply, at least one fuel discharge port for a fuel discharge, and at least one fixing element as a one-piece integral component (col. 4, lines 6-11), and forming the tubular base body with at least one connector strip and/or one fixing strip (8a), except for profile-extruding the tubular base body and hardening a surface of the high-pressure fuel accumulator by cold working the one-piece integral component.

Vennemeyer discloses profile-extruding the tubular base body (col. 2, lines 34-37).

Keathley discloses hardening a surface of a metal by cold working (col. 5, line 47).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bruyn by profile-extruding the tubular base body and hardening a surface of the high-pressure fuel accumulator by cold working the one-piece integral component, as taught by Vennemeyer and Keathley, for the purpose of not welding the connector strip and/or one fixing strip and further relax the extrudant.

Re claim 6: Bruyn discloses performing at least one of the following two steps: removing superfluous material from the connector strip and leaving individual connecting pieces in place (col. 4, line 29).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vennemeyer et al (US 6,705,083)/De Bruyn et al (US 4,899,712)/Keathley et al (US 3,795,970) as applied to claim 4 above, and further in view of Official Notice.

Vennemeyer/Bruyn/Keathley fail to disclose redrawing a tube profile through a second extruding die slightly smaller than a first extruding die.

Official Notice is taken that it is well known in the art to redrawing a tube profile through a second extruding die slightly smaller than a first extruding die to further reduce the diameter of the workpiece in order to meet the design criteria.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vennemeyer/Bruyn/Keathley by redrawing a tube profile through a second extruding die slightly smaller than a first extruding die, as taught by Official Notice, for the purpose of further reducing the diameter of the workpiece in order to meet the design criteria.

Response to Arguments

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9. Applicant's arguments filed 5/20/09 have been fully considered but they are not persuasive. Bruyn discloses forming a high-pressure fuel accumulator for a fuel injection system of an internal combustion engine (title and abstract).

Conclusion

10. Please provide reference numerals (either in parentheses next to the claimed limitation or in a table format with one column listing the claimed limitation and another column listing corresponding reference numerals in the remark section of the response to the Office Action) to all the claimed limitations as well as support in the disclosure for better clarity (optional).

Applicants are duly reminded that a full and proper response to this Office Action that includes any amendment to the claims and specification of the application as originally filed requires that the applicant point out the support for any amendment made to the disclosure, including the claims. See 37 CFR 1.111 and MPEP 2163.06.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick K. Chang whose telephone number is (571) 272-4564. The examiner can normally be reached on 5:30 AM to 1:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rick K. Chang/
Primary Examiner, A.U. 3726

RC
September 9, 2009